

**MINUTES OF THE COMMON COUNCIL
IN REGULAR SESSION
August 12, 2014**

DRAFT

A regular session of the Winchester Common Council was held on Tuesday, August 12, 2014 in the Council Chambers, Rouss City Hall. President John Willingham called the meeting to order at 7:00 p.m.

PRESENT: Councilor Jeff Buettner, Evan Clark, John Hill and John Tagnesi; Vice-President Milt McInturff; Mayor Elizabeth Minor; Vice-Mayor Les Veach; President John Willingham (8)

ABSENT: Councilor Corey Sullivan (1)

MOMENT OF SILENCE – President Willingham led the citizens and councilors in a Moment of Silence.

PLEDGE OF ALLEGIANCE – Mayor Minor led the citizens and councilors in the Pledge of Allegiance.

APPROVAL OF MINUTES – July 8, 2014 Regular Meeting, July 22, 2014 Special Meeting, and July 22, 2014 Work Session

Vice-President McInturff moved to approve the minutes as presented. *The motion was seconded by Councilor Buettner then unanimously approved 8/0.*

REPORT OF THE MAYOR

Mayor Minor stated on behalf of City Council she is very please to officially welcome Eden Freeman as the City Manager. Ms. Freeman has hit the ground running with a full agenda. She has been meeting people in the community and even threw out the first pitch in the Cal Ripkin 10 Year Old World Series.

REPORT OF THE CITY MANAGER

City Manager Eden Freeman stated she is honored and excited to be here. She has hit the ground running and put out the first Week in Review to update Council on everything staff has completed. The EDA Director position has been advertised and 55 resumes have already been received with some very qualified candidates. She expects to schedule interviews next week.

REPORT OF THE CITY ATTORNEY

City Attorney Anthony Williams stated he had nothing to report.

PUBLIC HEARINGS

1.1 O-2014-25: Second Reading – AN ORDINANCE TO ADOPT SECTIONS 14-169 OF THE WINCHESTER CITY CODE PERTAINING TO ABANDONED VEHICLES

President Willingham asked if there was anyone wishing to address Council on this issue. Seeing none, he closed the public hearing at 7:04 p.m.

Vice-Mayor Veach moved to approve O-2014-25. The motion was seconded by Mayor Minor then adopted by the affirmative roll-call vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Councilor Buettner	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Mayor Minor	Aye
Councilor Sullivan	Absent
Councilor Tagnesi	Aye
Vice-Mayor Veach	Aye
President Willingham	Aye

1.2 O-2014-26: Second Reading – AN ORDINANCE TO AMEND AND REENACT SECTION 14.2-8 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO WYCK STREET AND NORTH CAMERON STREET CORRIDOR ENHANCEMENT DISTRICTS

President Willingham asked if there was anyone wishing to address Council on this issue. Seeing none, he closed the public hearing at 7:05 p.m.

Vice-President McInturff moved to approve O-2014-26. The motion was seconded by Councilor Clark then adopted by the affirmative roll-call vote of a majority of all members of the Common Council, the ayes and nays being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Councilor Buettner	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Mayor Minor	Aye
Councilor Sullivan	Absent
Councilor Tagnesi	Aye
Vice-Mayor Veach	Aye
President Willingham	Aye

2.0 PUBLIC COMMENTS

Phil Griffin of 312 West Leicester Street stated he is the attorney for Mr. and Mrs. Gavis. They have had a number of court hearings after reaching an agreement with Tony Williams and have finished about 90-95% of the work that was to be performed. They have been back to court and have spent a number of hours meeting with Tony Williams and his staff cooperatively trying to get more work done on the Gavis property in the last 6-12 months than there had been done in a number of years on the north wall and west side of the property. He stated they believe there is not much work to be done and that less than \$30,000 could finish the job in several weeks. There were discussions in court the other day on whether a general contractor would be needed to finish the work that is performed. In the mean time, the abatement project has moved forward. Mr. and Mrs. Gavis have cooperated again with the City in order to make sure that occurs. His encouragement to Mr. and Mrs. Gavis and his hope for Council is that we can come up with a proposal that everyone can live with. If that is not the case and it is the City's intention to take down part of the Gavis property, on behalf of Mr. and Mrs. Gavis as he stated in court the other day, it would be their intention to rebuild it and make sure the property is preserved as it has been at that site since the late 1800s.

President Willingham asked if there was anyone else wishing to address Council on this issue. Seeing none, he closed the public hearing at 7:08 p.m.

3.0 CONSENT AGENDA

- 3.1 O-2014-30:** First Reading – ORDINANCE TO GRANT FRANCHISE TO USE PUBLIC PROPERTY FOR THE PROVISION OF CABLE SERVICES IN THE CITY OF WINCHESTER
- 3.2 O-2014-32:** First Reading – AN ORDINANCE TO ADOPT ARTICLE IV SECTION 20-32 OF THE WINCHESTER CITY CODE PERTAINING TO COLLECTION OF COURT FEES
- 3.3 O-2014-31:** First Reading – AN ORDINANCE AUTHORIZING AN ENCROACHMENT WITHIN THE PUBLIC RIGHT-OF-WAY ADJACENT

TO 118 ½ - 124 EAST CORK STREET (*To allow steps down from a porch in the right of way*)

- 3.4 O-2014-33:** First Reading – AN ORDINANCE TO REVISE THE PROFFERS AND DEVELOPMENT PLAN ASSOCIATED WITH 1.295 ACRES OF LAND AT 1720 VALLEY AVENUE (*Map Number 231-04-K-8A*) CONDITIONALLY ZONED HIGHWAY COMMERCIAL (B-2) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) AND CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY **RZ-14-350** (*Amendment to proffers and development plan of former Coca-Cola building to add an additional option for providing more one bedroom units*)
- 3.5 O-2014-34:** First Reading – AN ORDINANCE TO CONDITIONALLY REZONE 33.40 ACRES OF LAND AT 200 MERRIMANS LANE FROM CONDITIONAL RESIDENTIAL BUSINESS (RB-1) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY, CONDITIONAL MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT AND LOW DENSITY RESIDENTIAL (LR) DISTRICT TO EDUCATION, INSTITUTION AND PUBLIC USE (EIP) DISTRICT, HIGHWAY COMMERCIAL (B-2) DISTRICT, RESIDENTIAL BUSINESS (RB-1) DISTRICT, MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT AND LR DISTRICT; AND TO CONDITIONALLY REZONE 3.37 ACRES OF LAND AT 418 MERRIMANS LANE FROM LR DISTRICT TO EIP DISTRICT AND B-2 DISTRICT **RZ-14-351** (*Replaces the 2005 conditional zoning on the Ridgewood Orchard property and establishes zoning for school and commercial use on that site and the DBL Holdings property*)
- 3.6 O-2014-35:** First Reading – AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 27-10.1 OF THE WINCHESTER CITY CODE TO CHANGE REASSESSMENT DEADLINES AND TO CLARIFY REASSESSMENT RESPONSIBILITIES

Vice-Mayor Veach moved to approve the Consent Agenda. *The motion was seconded by Mayor Minor then unanimously approved 8/0.*

4.0 AGENDA

- 4.1 O-2014-24:** Second Reading: AN ORDINANCE TO REZONE 2.57 ACRES OF LAND AT 1570 COMMERCE STREET (*Map Number 252-01-2*) FROM COMMERCIAL INDUSTRIAL (CM-1) DISTRICT TO MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) DISTRICT OVERLAY RZ-14-35 (*Allows 26 townhouse units on primarily vacant industrial property*)(Public Hearing Closed / Item Tabled at July 8, 2014 meeting)

Vice-President McInturff moved to remove O-2014-24 from the table. *The motion was seconded by Councilor Clark then unanimously approved 8/0.*

Councilor Clark moved to table O-2014-24 per the applicants request for 5 months. *The motion was seconded by Vice-President McInturff then unanimously approved 8/0.*

- 4.2 R-2014-31:** Resolution – Authorize the City Manager to enter into an MOU with Winchester Public Schools in reference to the monitoring of school bus cameras by the Winchester Police Department

Vice-President McInturff moved to approve R-2014-31. *The motion was seconded by Vice-Mayor Veach then approved 7/1 with Councilor Buettner voting in the negative.*

- 4.3 Announce** the resignation of Melinda Kramer as a member of the Old Town Development Board effective July 10, 2014 and direct the Clerk of Council to advertise the vacancy
- 4.4 Announce** the resignation of Jennifer Beatley as a member of the Planning Commission effective August 4, 2014 and direct the Clerk of Council to advertise the vacancy
- 4.5 Announce** the term expiration of Lauri Bridgeforth and Corwyn Garman as members of the Old Town Development Board effective October 31, 2014 and direct the Clerk of Council to advertise the vacancies. Mr. Garman is eligible for re-appointment. Ms. Bridgeforth is not eligible.

5.0 EXECUTIVE SESSION

- 5.1 MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND STATUS UPDATE FROM THE CITY ATTORNEY AND LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY AND MATTERS OF ACTUAL OR PROBABLE LITIGATION AND PURSUANT TO §2.2-3711(A)(3) AND (6) FOR THE PURPOSE OF DISCUSSION OR CONSIDERATION OF THE SUBJECT OF THE ACQUISITION OF AN INTEREST IN REAL PROPERTY FOR A PUBLIC PURPOSE WHERE IF MADE PUBLIC, THE BARGAINING POSITION OR FINANCIAL INTEREST OF THE CITY WOULD BE ADVERSELY AFFECTED AND PURSUANT TO §2.2-3711(A) (1) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION AND CONSIDERATION OF INFORMATION REGARDING THE SUBJECT OF THE EMPLOYMENT, ASSIGNMENT, APPOINTMENT, AND PERFORMANCE OF SPECIFIC PUBLIC**

OFFICERS APPOINTEES, AND EMPLOYEES OF THE CITY OF WINCHESTER INCLUDING THE APPOINTMENT OF OR PROSPECTIVE APPOINTMENT OF MEMBERS TO CERTAIN BOARDS AND COMMISSIONS.

Vice-President McInturff moved to convene into executive session at 7:11 p.m. *The motion was seconded by Vice-Mayor Veach then unanimously approved 8/0.*

Vice-President McInturff moved to reconvene in open session at 8:44 p.m. *The motion was seconded by Vice-Mayor Veach then unanimously approved 8/0.*

Upon returning, each member certified that only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were discussed during the closed meeting, and that only those public business matters identified in the motion which convened the closed meeting were heard, discussed, or considered during the closed meeting.

A roll call vote was taken, the ayes and nays being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Councilor Buettner	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Mayor Minor	Aye
Councilor Sullivan	Absent
John Tagnesi	Aye
Vice-Mayor Veach	Aye
President Willingham	Aye

6.0 ADJOURNMENT

Councilor Buettner moved to adjourn the meeting at 8:46 p.m. *The motion was seconded by Mayor Minor then unanimously approved 8/0.*

Kari J. Van Diest, CMC
Deputy Clerk of the Common Council